



PRESENT:

Mr. Jack R. Wilson, III, Chairman
Mr. Daniel A. Gecker, Vice-Chairman
Mr. Russell J. Gulley
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Benjamin Humphrey, Planner, Development
Review, Planning Department

Mr. Joseph E. Feest, Planning Administrator, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Lisa Caudill, Secretary, Administrative Branch,
Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal John P. Jones,
Fire Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Wilson, Gecker, Gulley, Litton, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)

- D. **Plans and Information Section Update.**
- E. **Work Program – Review and Update.**
- F. **Consideration of the following Administrative Substantial Accord Determination:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0334 Dale	Lawrence H. Bickings	Substantial Accord Determination	Chesterfield Airport Site - Alltel
06PD0346 Bermuda	New Cingular Wireless PCS, LLC	Substantial Accord Determination	Cingular Wireless-RI651B Masonomics

- G. **Proposed Northern Courthouse Road Plan Amendment.**
- H. **Adjournment.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission amended the agenda to add to the Work Session a new Item H., "Proposed Revisions to the Chesterfield County Planning Commission Suggested Practices and Procedures;" to add to the 3:00 p. m. Afternoon Session a new Item D, Closed Session Pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, Relating to Consultation with Legal Counsel Pertaining to Actual Litigation; and to reverse the order of consideration of Cases 06PR0339, Watermark, LLC and 06PW0310, James H. and Donna Archer in Section VIII, Other; to add to the 7:00 p.m. Evening Session new Items VI. and XIV., Citizens' Input on Unscheduled Matters; to move consideration of Case 06SN0119, DSR, LLC prior to Cases 05SR0171, Timothy J. Hauler and 05SR0330, James F. Thacker; and to reorder the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming case schedules for the May 16, June 20 and July 18, 2006 Planning Commission meetings.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins and Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

During discussion of Case 06PR0339, Watermark, LLC, Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning, and excused himself from the meeting at 12:55 p. m.

Upon conclusion of the discussion pertaining to Case 06PR0339, Watermark, LLC, Mr. Wilson returned to the meeting at 12:56 p. m.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

Mr. Schlaudt presented an overview of, and staff's recommendation, regarding the proposed Code Amendment scheduled for public hearing at the 7:00 p. m. Evening Session relative to Subdivision and Zoning Ordinance fees for minor written administrative services (subdivision interpretations, zoning certificates, etc.).

D. PLANS AND INFORMATION SECTION UPDATE.

Mr. Larson stated, at their April 12, 2006, meeting, the Board of Supervisors approved funding for consulting services to update the Midlothian Community Area Plan, noting staff would apprise the Commission periodically regarding the status of the project. He also noted that staff was preparing a process whereby aerial photographs would be incorporated into the "Request Analyses and Recommendations" and anticipated July 1, 2006, would be the effective date.

E. WORK PROGRAM.

There were no additions, deletions or revisions to the Commission's Work Program and it was the consensus of the Commission to adopt their May 2006 Work Program, as presented.

F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATIONS:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0334 Dale	Lawrence H. Bickings	Substantial Accord Determination	Chesterfield Airport Site - Alltel

Mr. Bass noted he was no longer a member of the Virginia Dominion Power Board of Trustees and did not have a conflict of interest relative to the request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission confirmed the decision of the Director of Planning that the proposed public facility (communications tower) was consistent with the adopted Comprehensive Plan.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0346 Bermuda	New Cingular Wireless PCS, LLC	Substantial Accord Determination	Cingular Wireless-RI651B Masonomics

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission confirmed the decision of the Director of Planning that the proposed public facility (communications tower) was consistent with the adopted Comprehensive Plan, subject to the following conditions:

CONDITIONS

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)
3. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
4. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted. (P)
5. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

G. PROPOSED NORTHERN COURTHOUSE ROAD PLAN AMENDMENT.

After a brief discussion/comment session, the Commission deferred the proposed Northern Courthouse Road Plan Amendment to the June 20, 2006, Work Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

H. PROPOSED REVISION TO "CHESTERFIELD COUNTY PLANNING COMMISSION SUGGESTED PRACTICES and PROCEDURES."

Ms. McGee explained the proposed revisions to the "Chesterfield County Planning Commission Suggested Practices and Procedures."

The Commission recessed at 1:56 p.m. and reconvened at 2:01 p.m.

After conclusion of the discussion/comment session, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission adopted the following amendment to the Chesterfield County Planning Commission Suggested Practices and Procedures:

CHESTERFIELD COUNTY PLANNING COMMISSION
SUGGESTED PRACTICES AND PROCEDURES

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Code of Conduct.

Commission Members

Commission members shall confine their decisions to the matters presented on the agenda.

Persons Appearing Before the Commission

Persons appearing before the Commission will not be allowed to:

- (a) campaign for public office;
- (b) promote private business ventures;
- ~~(c) engage in personal attacks;~~
- ~~(d)~~(c) use profanity or vulgar language;
- ~~(e)~~(d) address pending litigation; or
- ~~(f)~~(e) address matters not on the Commission's agenda

ADOPTED: 10/17/00

REVISED: 04/18/06

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I. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission adjourned at approximately 2:02 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

3:00 P. M. AFTERNOON SESSION

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner recapped actions that transpired at the Work Session, noting the changes to the order of the agenda, noting the Commission amended the agenda to add a new Item D, Closed Session Pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, Relating to Consultation with Legal Counsel Pertaining to Actual Litigation; and to reverse the order of consideration of Cases 06PR0339, Watermark, LLC and 06PW0310, James H. and Donna Archer in Section VIII.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the March 21, 2006, Planning Commission minutes, noting a staff amendment, as provided by memo to the Commission, relative to the vote for Case 06SN0166, Robert Sowers.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to approve the March 21, 2006, Planning Commission minutes, with the following correction:

Page 43, Paragraph 3:

"AYES:	Messrs. Wilson, Gecker , Litton and Bass.
" <u>ABSTENTION:</u>	Mr. Gecker.
"ABSENT	Mr. Gulley."

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSTENTION: Mr. Gulley, as he was not present at the March 21, 2006, meeting.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ DEFERRALS.

05TS0196:* In Midlothian Magisterial District, **DARREL NEILSON** requested deferral to May 16, 2006, for consideration of approval of a tentative subdivision plat. This development is commonly known as **THE BATTERY AT OLD GUN**. This request lies in a Residential (R-40) District on a 20.12 acre parcel fronting approximately 300 feet on the west line of Old Gun Road, approximately twenty (20) feet south of Spring Creek Drive and approximately 4,000 feet north of Robious Road. Tax ID 735-721-2025 and 736-720-7067 and 8978 (Sheet 2).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the May 16, 2006, Planning Commission meeting, noting he had been advised there would be an amended application forthcoming regarding the issue of eliminating the connection of a stub road to Tarrington Subdivision. He further stated

he felt a thirty (30) day deferral was sufficient time for the issue to be resolved; however, he was amenable to requesting a sixty (60) day deferral if the Commission so desired.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05TS0196, Darrel Neilson (The Battery at Old Gun), to the May 16, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PR0226:* In Clover Hill Magisterial District, **DUKE MANAGEMENT SERVICES, INC.** requested deferral to June 20, 2006, for consideration of Planning Commission approval of a seventy-five (75) foot reduction to a 100 foot buffer requirement, in conjunction with site plan approval. This project is commonly known as **BAILEY'S BRIDGE STORAGE**. This request lies in a General Business (C-5) District on a 4.18 acre parcel fronting approximately 375 feet on the east line of Clintwood Road approximately 300 feet north of its intersection with Hull Street Road. Tax ID 741-683-0425 (Sheet 10).

Mr. Stuart Grattan, the applicant's representative, requested deferral to the June 20, 2006, Planning Commission meeting.

In response to a question from Mr. Gulley, Mr. Grattan stated deferral to the June 20th meeting was sufficient time to allow preparation of revised architectural building elevation and grading plans.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to defer Case 06PR0226, Duke Management Services, Inc. (Bailey's Bridge Storage), to the June 20, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PW0202:* In Bermuda Magisterial District, **CHESTER UNITED METHODIST CHURCH** requested deferral to October 17, 2006, for consideration of development standards waivers to paving and curb and gutter for a drive and parking area for approximately thirty (30) cars. This project is commonly known as **CHESTER UNITED METHODIST CHURCH**. This request lies in a Residential (R-7) District on a 0.5 acre parcel fronting approximately 110 feet on the northeast line of Percival Street, also fronting approximately 200 feet on the northwest line of Dodomeade Street and also known as 12131 Percival Street. Tax ID 789-654-7418 (Sheet 26).

No one came forward to represent the request.

Mr. Allen noted staff had received written documentation from the applicant requesting deferral to the October 17, 2006, Planning Commission meeting.

In response to a question from Mr. Chris Griffin, an adjacent property owner, staff stated the deferral was requested to allow the church to explore other options in connection with the parking lot issues and to meet with the community.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06PW0202, Chester United Methodist Church (Chester United Methodist Church), to the October 17, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06PR0319: In Clover Hill Magisterial District, **JACK HERBERT IV** requested Planning Commission approval of a landscape plan, as required by zoning Case 87SN0016. This development is commonly known as **OAK LAKE - JLH PROPERTIES, LLC**. This request lies in a Light Industrial (I-1) District on a 2.69 acre parcel fronting approximately 425 feet on the east line of Wilfong Drive approximately 350 feet north of its intersection with Oak Lake Boulevard. Tax ID 736-691-5710 (Sheet 10).

Mr. Jack Herbert, IV, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved that approval of the landscape plan for the proposed Oaklake - JLH Properties, LLC site, as required by Condition 5(a) and Textual Statement Condition 2 of zoning Case 87S016, shall be for Case 06PR0319, Jack Herbert IV (Oak Lake – JLH Properties, LLC), and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Landscaping shall be distributed across the entire road frontage in areas that will not obstruct vehicular sight distance, as determined in the field by VDOT and the Planning Department.
2. The entire front yard setback shall be irrigated using an automatic sprinkler system.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PR0322: In Midlothian Magisterial District, **PROVIDENCE ROAD ENTERPRISES** requested approval of the conceptual landscape plan for the front setback along North Providence Road, as required by Case 88SN0257. This development is commonly known as **ALLISON DAYCARE II**. This request lies in a Corporate Office (O-2) District on a 3.6 acre parcel fronting approximately 150 feet on the north line of North Providence Road fronting approximately 200 feet on the west line of Buford Road and located in the northwest quadrant of the intersection of these roads. Tax ID 759-707-4222 (Sheet 7).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, noting the applicant intended to abide by the previous agreement to provide a combination of grading, plantings, and a solid board fence adjacent to the office condominium units, commonly known as Twin Ridge Office Condos, so as to screen the view, as well as minimize the noise impact, of the play areas upon the adjacent parcel. He indicated Mr. Albert Myers was present to express concerns relative to on-site landscaping and buffers.

Mr. Wilson opened the discussion for public comment.

Mr. Albert Myer, an adjacent property owner and representative for the Twin Ridge Office Condos, opposed the request, citing concerns relative to density, noise, landscaping, fencing, piece-meal development of the site and the blight impact the daycare would have on the adjacent office condo complex.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Scherzer restated his client's commitment to the agreement to screen/buffer the proposed development from, and to minimize the noise impact of, the play areas upon the adjacent parcel, noting the proposed landscape plan for the front setback along North Providence Road complied with Condition 13 of Case 88SN0257.

In response to the Commission's request, Mr. Lamson presented an overview of the request and staff's recommendation for approval and Mr. Allen indicated the proposed request complied with the agreement as it pertained to Providence Road.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved that approval of the conceptual landscape plan for the front setback along North Providence Road, as required by Condition 13 of Case 88SN0257, for Case 06PR0322, Providence Road Enterprises (Allison Daycare II), shall be and it thereby was granted, subject to the following condition:

CONDITION

Required landscaping shall be distributed across the entire road frontage in areas that will not obstruct vehicular sight distance, as determined in the field by VDOT and the Planning Department.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PR0329: In Bermuda Magisterial District, **RITE AID OF VIRGINIA** requested approval of architectural elevations, as required by Case 97SN0140. This development is commonly known as **RITE AID CHESTER**. This request lies in a Community Business (C-3) District on a 1.8 acre parcel fronting approximately 200 feet on the west line of Jefferson Davis Highway approximately 2,000 feet south of West Hundred Road. Tax IDs 798-652-8876 and Part of 798-652-2856 (Sheet 26).

Mr. Dennis McGlynn, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved that approval of architectural elevations, as required by Case 97SN0140, for Case 06PR0329, Rite Aid of Virginia (Rite Aid Chester), shall be and it thereby was granted.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PR0331: In Clover Hill Magisterial District, **DUVAL DEVELOPMENT** requested Planning Commission approval of a landscape plan, as required by zoning Case 87SN0016. This development is commonly known as **OAK LAKE - SMITH WAREHOUSE**. This request lies in a Light Industrial (I-1) District on approximately 4.5 acres, part of a 36.9 acre parcel, fronting approximately 500 feet on the north line of Wilfong Court, also fronting approximately 420 feet on the south line of Powhite Parkway. Tax ID 737-692-Part of 1906 (Sheet 10).

Mr. John DuVal, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of the conceptual landscape plan, as required by zoning Case 87SN0016, for Case 06PR0331, DuVal Development (Oaklake - Smith Warehouse), shall be and it thereby was granted, subject to the following condition:

CONDITION

The entire front yard setback shall be irrigated using an automatic sprinkler system. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

06PW0310: In Matoaca Magisterial District, **JAMES H. AND DONNA ARCHER** requested Planning Commission approval of a modification to the development standard requiring perimeter landscaping along the east property line. Specifically, the applicants ask to use a decorative fence in lieu of landscaping. This development is commonly known as **ARCHER'S GARAGE**. This request lies in a General Business (C-5) District on part of a 7.1 acre parcel fronting approximately 270 feet on the north line of Hickory Road approximately 1,375 feet east of Little Knoll Lane. Tax ID 764-625-Part of 7271 (Sheet 40).

Mr. Allen presented an overview of the request and staff's recommendation.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation with respect to the provision of a fence but not the additional trees, citing concerns relative to the impact trees would have on existing drainfield lines and/or septic tanks.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission found Case 06PW0310, James H. and Donna Archer (Archer's Garage), substantially complied with the five (5) factors of Section 19-19 of the

County Code and resolved to recommend approval of a development standards waiver to Section 19-585.2(a) of the Zoning Ordinance requiring Perimeter B Landscaping, subject to the following condition:

The decorative fence will have a minimum height of three (3) feet. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PS0323: In Matoaca Magisterial District, **BON SECOURS RICHMOND** requested an amendment to an approved schematic for a sign package, as required by zoning Case 86SN0025. This development is commonly known as **ST. FRANCIS MEDICAL CENTER SIGN PACKAGE**. This request lies in Residential (R-7) and Community Business (C-3) Districts on three (3) parcels located at the intersection of Center Pointe and Charter Colony Parkways. Tax IDs 726-694-0343, 8763 and 726-695-0706 (Sheet 9).

Mr. John Simpson, the applicant's representative, did not accept staff's recommendation; presented an overview of the request citing the importance of the signage for access to the site; and stated the hospital required multiple signage to accommodate the varied and complex services provided as well as to direct ingress/egress of the site.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved that approval of an amendment to the schematic approval for a sign package, as required by conditions of zoning, for Case 06PS0323, Bon Secours Richmond (St. Francis Medical Center Sign Package), shall be and it thereby was granted, subject to the following condition:

CONDITION

The proposed freestanding sign shall substantially comply with the plans and elevations submitted with this request. The proposed flags shall comply with all Zoning Ordinance regulations.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PR0339: In Dale Magisterial District, **WATERMARK, LLC** requested an appeal review to the Director of Environmental Engineering's Perennial Stream Determination. This project is commonly known as **WATERMARK**. This request lies in a Residential (R-7) District on part of two (2) parcels fronting approximately 2,200 feet on the west line of Iron Bridge Road. Tax IDs 770-676-Part of 9502 and 771-677-Part of 3871 (Sheet 17).

Mr. Wilson stated his firm represented the applicant in matters other than zoning, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at 3:39 p.m.

Mr. Flanigan presented an overview of the request, including computerized photographs of upstream and downstream areas of the property and data relative to short/long term conditions reflected by the Palmer Drought Index. He indicated County staff assessed the subject property in accordance with the requirements of the Chesapeake Bay Preservation Act and the County's Ordinance using a reliable, site-specific evaluation approved by the Chesapeake Bay Local Assistance Department (CBLAD) for its determination of perennial stream flow; stated the applicant used a photo-documentation method as a

means of determination of perennial flow, which method was inappropriately applied to show a dry channel at a time of year when very low flow or possibly no flow could be expected, such as during drought or near-drought conditions, or in especially hot, dry weather; and requested the Commission uphold the initial decision of the Water Quality Manager and the final decision of the Director of Environmental Engineering as set forth in their letters dated December 15, 2005 and February 3, 2006, respectively.

Mr. John Lane, the applicant's representative, did not accept staff's recommendation; presented a history of the request and the purpose of the appeal; referenced the Chesapeake Bay Local Assistance Department (CBLD) definition of a water body with perennial flow and guidelines; addressed the photo documentation; presented a comparison of the Office of Water Quality's position and the applicant's response; addressed climatic data provided by the applicant; and concluded that 1) Watermark submitted a valid, appropriately applied perenniality determination in accordance with the County's Ordinance, 2) the County's incorrect rejection of the Koontz & Bryant determination and its substitution of its own unilateral determination was not in accordance with the letter or the spirit of the County Ordinance and its decision should be overturned and Koontz & Bryant's determination should be approved; and 3) a decision in favor of the applicant would not affect the wetland resources on the property which were still protected by the Corps of Engineers and Department of Environmental Quality.

Mr. Gecker opened the discussion for public comment.

Mr. C. L. Morrisette, Jr., a County resident, stated the Chesapeake Bay Act Ordinance was only a regulatory mechanism that allowed the taking of land without financial compensation.

Ms. Marlene Durfee, Executive Director of the Responsible Growth Alliance of Chesterfield, expressed concerns that there was insufficient data at the present time to determine if the streams were perennial and that action to move forward at this time was inappropriate. She requested that the issue of water quality be considered a high precedent in the County and that the Commission uphold the decisions of the Water Quality Manager and the Director of Environmental Engineering, noting that to do otherwise would set a negative precedent relative to environmentally-sensitive property.

Ms. Andrea Epps, a County resident, stated she was not anti-development but was pro-water quality; noted the Chesapeake Bay Local Assistance Department, the Corps of Engineers, the State climatologist and the County Director of Environmental Engineering reached the same decision, which she felt was valid and should be upheld; and asked the Commission consider their decision carefully as it would have a long-term environmental impact.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Lane noted the process was a new one that needed to be applied appropriately and consistently; that he did not feel the stream was perennial based on the County Ordinance and/or the CBLAD guidelines; that Watermark had submitted a valid, appropriately applied perenniality determination; that the County's incorrect rejection of the Koontz & Bryant determination and its substitution of its own unilateral determination was not in accordance with the letter or the spirit of the County Ordinance; that the County's decision should be overturned and Koontz & Bryant's determination approved.

Mr. Jamie Hudson explained elements of the Palmer Severity Drought Index as it pertained to short-term versus long-term conditions.

Mr. Litton made a motion that the Commission reverse the decision of the Director of Environmental Engineering for Case 06PR0339, Watermark, LLC, relating to the property encompassed by the Perennial Flow Determination pursuant to Section 19-231(d) of the County Code.

There was no second to the motion and the motion failed.

Mr. Gulley made an alternate motion, seconded by Mr. Bass, that the Commission uphold the decision of the Director of Environmental Engineering for Case 06PR0339, Watermark, LLC, relating to the property encompassed by the Perennial Flow Determination pursuant to Section 19-231(d) of the County Code.

AYES: Messrs. Gecker, Gulley and Bass.
NAY: Mr. Litton.
ABSENT: Mr. Wilson.

Mr. Wilson returned to the meeting at 4:52 p. m.

D. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, RELATING TO CONSULTATION WITH LEGAL COUNSEL PERTAINING TO ACTUAL LITIGATION.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Planning Commission went into Closed Session pursuant to Section 2.2-3711(A)(7), Code of Virginia, as amended, relating to consultation with legal counsel pertaining to actual litigation.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Reconvening:

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission adopted the following Certification Resolution:

WHEREAS, the Planning Commission has this day adjourned into Closed Session in accordance with a formal vote of the Commission and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989, provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Commission. No member dissents from this certification.

The Commission being polled, the vote was as follows:

Mr. Wilson: Aye.
Mr. Gecker: Aye.
Mr. Litton: Aye.
Mr. Gulley: Aye.
Mr. Bass: Aye.

E. FIELD TRIP AND DINNER SELECTIONS.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Uno's Restaurant, 12211 Jefferson Davis Highway, Chester, VA.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at approximately 5:13 p. m., agreeing to meet at Uno's Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Wilson, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the May 16th agenda was comprised of sixteen (16) cases; the June 20th agenda was comprised of fifteen (15) cases; and the

July 18th agenda was comprised of seven (7) cases. He noted the June 20th caseload was at a maximum of fifteen (15) cases and approval of any additional deferral requests to that meeting, would necessitate suspension of the By-Laws to increase the caseload.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission suspended their By-Laws to increase the caseload for the 7:00 p. m. Session of the June 20, 2006, Planning Commission Meeting to accommodate deferrals only.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

No one came forward to speak on unscheduled matters at this time.

F. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR WITHDRAWALS.**

04SN0274:* In Midlothian Magisterial District, **TC MIDATLANTIC DEVELOPMENT INC.** withdrew rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use. This request lies on 37.1 acres fronting approximately 1,000 feet on the north line of Midlothian Turnpike across from Watkins Center Parkway. Tax IDs 714-712-9323; 715-711-0444 and 4043; 715-712-3508; 716-713-Part of 5414; and 717-708-Part of 4353.

Ms. Ashley Harwell, the applicant's representative, confirmed withdrawal of Case 04SN0274.

There was no opposition to the withdrawal.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Case 04SN0274.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0328:* In Matoaca Magisterial District, **BERNARD SAVAGE** withdrew rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-9) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 5.5 acres fronting approximately 300 feet on the north line of Genito Road, also fronting approximately 600 feet on the east line of North Woolridge Road and located in the northeast quadrant of

the intersection of these roads. Tax IDs 719-685-2188 and 3788; 719-686-1637, 2337, 2706, 3038, 3423 and 4238; 719-687-Part of 2245; and 720-686-Part of 3234 (Sheet 9).

Mr. Mickey Blalock, the applicant's representative, confirmed withdrawal of Case 05SN0328.

There was no opposition to the withdrawal.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Case 05SN0328.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS FOR DEFERRALS BY APPLICANTS.**

06SN0213: In Bermuda Magisterial District, **RICHMOND 20 MHZ LLC D.B.A. NTELOS** requested deferral to June 20, 2006, for consideration of Conditional Use Planned Development and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 13.9 acres fronting approximately twenty (20) feet on the north line of Treely Road approximately 1,385 feet east of Branders Bridge Road. Tax ID 788-640-Part of 0107.

Mr. Burke Lewis, the applicant's representative, requested deferral to the June 20, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0213 to the June 20, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

04SN0224:* In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to August 15, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571.

Mr. Oliver D. Rudy, the applicant's representative, requested deferral to the August 15, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to defer Case 04SN0224 to the August 15, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0102:* (Amended) In Dale Magisterial District, **FARRISH PROPERTIES, LLC** requested deferral to July 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 units per acre or less. This request lies on 26.4 acres fronting approximately 360 feet on the north line of Old Lane approximately 670 feet east of Hopkins Road and also fronting approximately 450 feet on the east line of Hopkins Road approximately 470 feet north of Old Lane. Tax IDs 785-666-8528; 786-666-3851; and 786-667-3619.

Mr. Dean Hawkins, the applicant's representative, requested deferral to the July 18, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0102 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0235:* In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested deferral to July 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944.

Mr. Jim Theobald, the applicant's representative, requested deferral to the July 18, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to defer Case 05SN0235 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS FOR DEFERRALS BY INDIVIDUAL PLANNING COMMISSIONERS.**

06SN0146: In Clover Hill Magisterial District, **TROPICAL TREEHOUSE INC. BY HENRY E. MCAULIFFE** requested Conditional Use to permit greenhouse and nurseries plus Conditional Use Planned Development to permit exceptions to Ordinance requirements and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies in an Agricultural (A) District on 9.7 acres fronting approximately 360 feet on the east line of Courthouse Road approximately 470 feet south of Smoketree Drive. Tax IDs 745-700-1758 and 1872.

Mr. Andy Scherzer, the applicant's representative, accepted deferral of the request by Mr. Gulley to the May 16, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0146 to the May 16, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0163: In Matoaca Magisterial District, **SWIFT CREEK PARTNERS LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 74.4 acres fronting approximately seventy (70) feet on the north line of Cosby Road approximately 1,140 feet east of Otterdale Road, also fronting approximately 910 feet on the east line of Otterdale Road approximately 1,290 feet north of Cosby Road. Tax IDs 711-671-8733; 712-671-5171; 712-672-3060; 713-672-1358; and 713-673-Part of 3477.

Mr. Wilson stated his firm represented the applicant in matters other than zoning, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 7:14 p. m.

Ms. Ashley Harwell, the applicant's representative, accepted deferral of the request by Mr. Bass to the May 16, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0163 to the May 16, 2006, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

Mr. Wilson returned to the meeting at approximately 7:15 p. m.

06SN0234: In Matoaca Magisterial District, **ROBERT SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the north and south lines of Quailwood Road approximately 1,500 feet west of Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Mr. Jim Theobald, the applicant's representative, accepted deferral of the request by Mr. Bass to the May 16, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0234 to the May 16, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0127:* In Clover Hill Magisterial District, **J. MARK SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 22.6 acres lying off the eastern terminus of North Vickilee Road and Vickilee Court, the northern terminus of Vickilee Road and western terminus of Marblethorpe Road. Tax IDs 746-699-8830; and 747-699-0340, 0744, 1248, 1750, 2453 and 4454.

Mr. J. Mark Sowers, the applicant, accepted deferral of the request by Mr. Gulley to the June 20, 2006, Planning Commission public hearing.

There was no opposition to the request deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0127 to the June 20, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0162:* In Bermuda Magisterial District, **YI NAN CHOU AND WAN FEN CHOU** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan

suggests the property is appropriate for mixed use corridor use. This request lies in an Agricultural (A) District on 2.7 acres and is known as 11860 Iron Bridge Road. Tax ID 776-653-9843.

Ms. Carrie Coyner, the applicant's representative, accepted deferral of the request by Mr. Wilson to the May 16, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0162 to the May 16, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

06SN0174: In Clover Hill Magisterial District, **KEVIN BOTTOMS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 14.2 acres lying off the northeastern terminus of St. Elizabeth Drive, also lying approximately 600 feet off the northern terminus of Temie Lee Parkway. Tax ID 724-672-Part of 9387.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0174 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
 - B. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

- C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
3. The maximum density of this development shall not exceed twenty five (25) dwelling units. (P)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. BMPs.
- a) The developer shall convert the existing SWM/BMP device by constructing Phase II of the original design, as shown on the plans titled Walgreen's – Spring Run, prepared by Balzer and Associates Inc. and dated September 19, 2000 and revised May 23, 2001. (EE)
- b) The BMP referenced in 5.a. shall be designed and constructed to accommodate runoff from the property and Clover Hill High School. All drainage except that which drains to 724-672-8102 (commonly known as Aunt Sarah's) and that which drains from the northern portion of the subject property shall be directed through this BMP. At a minimum, the BMP shall be fenced so as to only allow access from Tax ID 726-673-1225 (Clover Hill High School) and shall be designed with both safety and aquatic benches. The design of the fence, safety bench and aquatic bench shall be approved by the Planning and Environmental Engineering Departments. (P & EE)
- c) The following easements shall be dedicated to and for the benefit of Chesterfield County, in a form acceptable to the County:
- i. A fifty (50) foot easement, north of the SWM/BMP, from the northern boundary of the SWM/BMP north for the remaining length of the eastern Property line. Except where necessary to accommodate utility extensions, there shall be no clearing or grading within this easement. If clearing or grading is necessary to accommodate utility extensions, measures shall be taken to minimize the amount of tree removal within the easement. A minimum of one (1) week prior to clearing, the owner/developer shall flag the limits of clearing for inspection by the Planning, Utilities and Environmental Engineering Departments as well as the Clover Hill District Planning Commissioner. A minimum of forty-eight (48) hours prior to any clearing activity within this fifty (50) foot easement for the purpose of extending utilities to the property, the owner/developer shall notify the Utilities, Environmental Engineering and Planning Departments and the Clover Hill District Planning Commissioner of such proposed clearing. An inspector from each of these County departments and the Clover Hill

District Planning Commissioner shall be on-site during this clearing process. Subsequent to such clearing, silt fencing shall be installed in as determined appropriate by the Environmental Engineering Department. (S,U,EE&P)

- ii. An easement around the SWM/BMP, of a width necessary to accommodate pedestrian circulation for use by authorized personnel. This easement may be located within the boundaries of the BMP easement normally required by the Environmental Engineering Department. The easement shall be located within the fenced area described in Condition 5.b. The easement shall be posted with a sign stating: "No Trespassing-For Authorized Personnel Only." (S)

(NOTE: The purpose of Condition 5.c. is to provide a water quality teaching area north of the SWM/BMP and an easement around the SWM/BMP. It is the intent that the SWM/BMP and the area north of the SWM/BMP be used by several schools for the purpose of studying water quality monitoring techniques in the SWM/BMP and the outflow into the creek, north of the SWM/BMP, leading to the Swift Creek Reservoir. It is also the intent that the area be used to study the benefits of providing tree-save areas as riparian corridors adjacent to creeks. However, the area could be used for other purposes as may be determined by the County in the future, subject to Substantial Accord Approval).

6. BMP Design. Any above ground facilities required for water quantity or quality control shall be designed as wet ponds and shall be landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, the project. At the time of plan review, a plan depicting this requirement shall be submitted for review and approval. (EE)
7. Sidewalks. Sidewalks shall be provided on both sides of Temie Lee Parkway and the extension of St. Elizabeth Drive. The exact location and design of sidewalks shall be approved at the time of plan review. (P)
8. All lots shall have access to both St. Elizabeth's Drive and Temie Lee Parkway. (P)
9. The minimum lot size shall be 15,000 square feet. Lots abutting Southshore Subdivision shall contain a minimum of 18,600 square feet. Lots abutting Lands End Subdivision shall contain a minimum of 43,250 square feet. Should any open space be provided between the proposed lots and the adjacent subdivisions noted herein, the minimum lot sizes noted herein shall continue to apply as though no open space separates the proposed lots from these adjoining developments. (P)
10. A maximum of two (2) lots shall be permitted to abut the Lands End Subdivision. (P)
11. Dwelling units shall have a minimum of 2,500 square feet of gross floor area adjacent to Lands End and Southshore subdivisions and 2,200 square feet of gross floor area adjacent to St. Clair subdivision. Should any open space be provided between the proposed lots and the adjacent subdivisions noted herein, the minimum dwelling unit sizes

noted herein shall continue to apply as though no open space separates the proposed lots from these adjoining developments. (BI&P)

12. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
13. A single row of evergreen trees (Bayberry or similar species subject to Planning Department approval) a minimum of six (6) feet in height at time of planting, shall be planted, approximately ten (10) feet on center, along the uphill side of the RPA located on lots that abut Lands End Subdivision. The exact location of such landscaping shall be approved by the Planning Department. (P&EE)
14. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
 - a) No lot shall be used except for residential purposes.
 - b) No initial improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna (except as permitted by law), or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
 - c) Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
 - d) In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - i. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
 - ii. No fence or hedge shall generally be permitted higher than 48 inches of any Lot.
 - iii. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.

- e) Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
- f) No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
- g) No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- h) No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph b.
- i) No above ground swimming pools shall be permitted. No in-ground swimming pools shall be located nearer to any street line than the rear building line of the dwelling.
- j) No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
- k) No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
- l) No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
- m) No exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building, except as permitted by law.
- n) No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph b.
- o) Any one or more of the covenants or restrictions imposed by paragraphs a through n above may be waived or modified, in whole or in part, as to the entire

Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.

- p) In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
 - q) Invalidation of any one of the provisions of these restrictions by judgement, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
 - r) Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
 - s) Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
 - t) These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
 - u) The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants.
 - v) The covenants and restrictions of this Declaration shall run with and bind the Properties and the Owners, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for three (3) successive periods of ten (10) years each unless revoked by a recorded instrument executed by the Owners of a majority of the Lots subject hereto. (P)
15. Prior to tentative subdivision approval, the developer shall submit certification to the Planning Department that all adjacent property owners of record in the Department of Real

Estate Assessment, the last known representative of Southshore Homeowners Association on file with the Planning Department and the Clover Hill District Planning Commissioner have been notified in writing of the submission of the tentative plan to the County for review and approval. The tentative subdivision application shall not be considered complete until such certification has been submitted to the Planning Department. The fifteen (15) day period for appeal to the Planning Commission shall not commence until such certification has been provided. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0209: In Matoaca Magisterial District, **CLOVER HILL ASSEMBLY OF GOD** requested Conditional Use and amendment of zoning district map to permit a private school and child care center in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 4.0 acres and is known as 12320 Bailey Bridge Road. Tax IDs 738-674-1979-Part of 00001 and Part of 00002.

Mr. Stan Grant, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0209 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, any new development for school or child care use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth Areas, excluding buffer requirements. (P)
2. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Within the 100 foot setback and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. These buffers and setbacks may be modified by the Planning Commission at the time of plan review. (P)
3. Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to

the requirements of the Zoning Ordinance for fifty (50) foot buffers. These setbacks and buffers may be modified by the Planning Commission at the time of plan review. (P)

4. Any private school or child care use shall be conducted in association with church or other places of worship use on the property. (P)
5. Direct vehicular access from the property to Bailey Bridge Road shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. (T)
6. Left and right turn lanes shall be constructed along Bailey Bridge Road at the approved entrance/exit based on Transportation Department standards. The developer shall dedicate, free and unrestricted to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements. Prior to any site plan approval, a phasing plan for these improvements shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0227: In Matoaca Magisterial District, **GREENACRES LIMITED PARTNERSHIP** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.5 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 171.6 acres fronting approximately sixty (60) feet on the west line of River Road approximately 1,450 feet south of Graves Road. Tax IDs 755-616-0604 and 755-617-9274.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0227 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the properties known as Chesterfield County Tax IDs 755-616-0604-00000, (170.1 Acres Parcel) and 755-617-9274-00000 (1.3 Acre Parcel) (the "Property") will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Cash Proffer. The applicant, subdivider, or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:

- a. \$15,600 per dwelling unit if paid prior to July 1, 2006. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.
 - d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
- (2) Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
 - (3) In conjunction with recordation of the initial subdivision plat or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way on the south side of River Road, measured from the centerline of that part of River Road immediately adjacent to the property shall be dedicated, free and unrestricted, to Chesterfield County. (T)
 - (4) No direct vehicular access shall be provided from the property to River Road. (T)
 - (5) Utilities: To facilitate the future extension of the public water system, a ten (10) foot permanent water easement shall be dedicated to Chesterfield County extending parallel to River Road, adjacent to the ultimate Right-of-way. (U)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0121.* In Dale Magisterial District, **DOMINION PROPERTY SERVICES** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH). Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 29.9 acres fronting approximately 1,700 feet on the north line of Genito Road approximately 200 feet east of Price Club Boulevard. Tax IDs 747-681-7089; 747-682-7022 and Part of 4858; and 748-681-0499.

Ms. Ashley Harwell, the applicant's representative, accepted staff's recommendation, noting modifications to Proffered Conditions 18.a. and 18.b, which she read.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0121 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 747-682-4858 (Part of), 748-681-0499, 747-682-7022, and 747-681-7089 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-TH is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. Density. The maximum density of the development on the Property shall not exceed 7.25 dwellings per acre. (P)
2. Utilities. Public water and wastewater systems shall be used. (U)
3. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Cash Proffer. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the Property:
 - a. \$15,600 per dwelling unit if paid prior to July 1, 2006; or

- b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
- 5. Buffers.
 - a. All required buffers shall be located within recorded open space.
 - b. A fifty (50) foot wide buffer shall be provided along the eastern line of the Property. This buffer shall comply with the Zoning Ordinance Requirements for fifty (50) foot buffers. (P)
- 6. Public Streets. All streets that accommodate general traffic circulation through the development as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
- 7. Vehicular Access. Direct vehicular access from the Property to Genito Road shall be limited to two (2) public roads. One (1) public road (the "Main Access") shall align with the existing crossover on Genito Road located towards the eastern part of the Property. The right of way for other public road (the "Secondary Access") shall be located adjacent to the western line of Parcel 5 as shown on the plat prepared by Townes Site Engineering, entitled "Plat of 4 Parcels of Land and Zoning of 29.95 Acres Situated on Genito Road, State Route #604, Chesterfield County, Virginia," dated July 21, 2005. The Secondary Access shall be limited to right-turns-in and right-turns-out only. The exact location of these accesses shall be approved by the Transportation Department. (T)
- 8. Road Improvements. To provide an adequate roadway system at the time of complete development, the Developer shall be responsible for the following improvements:
 - a. Construction of additional pavement along Genito Road at each approved access to provide a right turn lane.
 - b. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
- 9. Dedication of Right-of-Way. In conjunction with the recordation of the initial subdivision plat or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way on the north side of Genito Road, measured from the centerline of that part of Genito Road immediately adjacent to the

Property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

10. Transportation Phasing Plan. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)
11. Dwelling Units per Building. A maximum of seven (7) dwelling units shall be attached; however, a maximum of four (4) dwelling units shall be attached if any one or more of the dwelling units so attached do not contain a garage. (P)
12. Garages. A minimum of forty percent (40%) of dwelling units shall have an attached garage. Where provided, if a garage is not rear- or side-loaded, it shall not be located closer to the street than the front facade of the dwelling unit it serves. Where garages are not provided, offstreet parking shall be provided for the dwelling units, but driveways shall not be located in the front yards. The subdivision record plat shall reflect the location of lots where garage units will be constructed. (P)
13. Driveways. All driveways shall be paved. (P)
14. Focal Point. A minimum of 1.5 acres of the required recreational area shall serve as a focal point as one enters the project from the Main Access. The focal point area shall include, but not be limited to, benches or other amenities that accommodate and facilitate gatherings. (P)
15. Sidewalks. Sidewalks shall be provided along both sides of public roads which have dwelling units fronting the road. Ornamental pedestrian scale lighting, not to exceed fourteen (14) feet in height, shall be provided to illuminate the sidewalks. (P)
16. Building Materials. The facades of dwelling units shall be constructed of brick, brick or stone veneer, wood, vinyl, hardiplank or composition siding, or a combination of such materials. (P)
17. Foundations. All exposed portions of front and side foundations shall be faced with brick. (P)
18. Elevations.
 - a. Buildings containing three (3) story dwelling units shall have an architectural treatment and materials generally consistent with those depicted in the rendering prepared by Edward H. Winks James D. Snow Architects P.C., entitled "Front Elevation, Genito Road Townhomes," dated March 1, 2006.
 - b. Buildings containing two (2) story dwelling units shall have an architectural treatment and materials generally consistent with those depicted in the rendering entitled "Two Story Dwellings, Genito Road Townhomes," dated March 27, 2006.

- c. Provided, however, the Planning Commission may approve alternative treatment and materials provided the alternative meets the spirit and intent of the above requirement relative to building material quality, varied rooflines, articulation of doors and window and varied color schemes. (P)

19. Dwelling Size.

- a. Each dwelling unit shall have a minimum gross floor area of 1300 square feet.
- b. Each lot, except end lots, shall have a minimum lot width of twenty (20) feet. (P)

20. Landscaping of Best Management Practices (BMP). Any BMP required for water quantity or quality control that is located in public view shall be a wet facility and shall be landscaped and otherwise improved so as to be a visual enhancement to the project. (EE&P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CODE AMENDMENT RELATING TO FEES.**



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 17-11 relating to subdivision fees, Section 19-25 relating to zoning, site plan and other planning fees, Section 19-264 relating to site plans, and deleting Section 19-279 relating to site plan fees. The legal authority for enactment of these fees, levies and increases includes the County Charter, Va. Code §15.2-2241(9) and Va. Code §15.2-2286(6). The ordinance would reformat existing Code of Chesterfield fee references and add two new fees: 1) \$75.00 fee for written verification of subdivision or written subdivision interpretation; and 2) \$75.00 fee for zoning certificates, written verification of non-conforming use or written zoning interpretation. No other new or increased fees are proposed with this Ordinance Amendment. A summary of the proposed fees is set forth below.

Subdivision Ordinance Fees (Section 17-11).

- (a) Alternatives to chapter per §17-8, \$380, plus any applicable plat review fee.
- (b) Appeal of decision of director of planning, \$290.
- (c) Deferral request by applicant for planning commission consideration of plat, per request: (1) 40 or fewer days: \$250; (2) More than 40 days: \$150.
- (d) Final check, amended and resubdivision plat review: (1) final check subdivision plat review, \$720, plus \$10 per lot; (2) final check resubdivision plat review: \$560, plus \$10 per lot; (3) final check amended plat review: \$330, plus \$10 per lot.
- (e) Minor subdivision plat review, \$330.
- (f) Onsite sewage disposal system soils analysis review, \$155 per lot/parcel.
- (g) Parcel line modification review, \$25 per parcel.
- (h) Residential parcel subdivision, \$35 per parcel.
- (i) Tentative subdivision approval, or resubmittal of an expired previously approved tentative: (1) Original submittal, renewal of previously approved tentative plat or adjusted tentative plat for previously

approved tentative plat, including up to two resubmittals, \$330, plus \$20 per lot. (2) Third and subsequent submittal, per submittal, \$220. (3) Substitute to approved tentative, per submittal, \$60.

- (j) Townhouse plan transfer to electronic format, \$75.
- (k) Written verification of subdivision or written subdivision interpretation, \$75.

Zoning Ordinance Fees (Section 19-25)

- (a) Amend condition of zoning, other than condition of planned development, per first two conditions: any request for R, R-TH, R-MF, MH or A uses, \$2,800, plus \$700 for each additional condition thereafter; any request for O, I or C uses, \$1,440, plus \$360 for each additional condition thereafter.
- (b) Appeal to board of zoning appeals, \$1,200.
- (c) Building and sign permit review: (1) Building permit application for a new single-family dwelling or for each unit of a new two-family dwelling, \$25. (2) Sign permits for temporary signs, \$60; all other signs for which building permits are required, \$100.
- (d) Conditional uses and manufactured home permits: (1) Manufactured home permits: new, \$550; renewal, \$250. (2) Family day care homes: existing zoning R, R-TH, R-MF, MH or A classification, \$250; existing zoning O, I, or C classification, \$230. (3) Planned development without zoning reclassification: any request for R, R-TH, R-MF, MH or A uses, \$4,500, plus \$45 per acre; any request for O, I, or C uses, \$2,260, plus \$10 per acre. Planned development with zoning reclassification: rezoning for any R, R-TH, R-MF, MH or A use, \$5,100, plus \$95 per acre for the first 200 acres and \$45 per acre over 200 acres; rezoning for any O, I, or C use, \$2,530, plus \$60 per acre for the first 200 acres and \$20 per acre over 200 acres. Amend condition of planned development to include a condition of a textual statement, per first two conditions: any request for R, R-TH, R-MF, MH or A uses, \$2,800, plus \$700 per each additional condition thereafter; any request for O, I, or C uses, \$1,440, plus \$360 per each additional condition thereafter. (4) All others: any request for R, R-TH, R-MF, MH or A uses, \$2,200, plus \$95 per acre; any request for O, I or C uses, \$1,130, plus \$30 per acre.
- (e) Deferral/remand requests by the applicant, per request: (1) Remand request to planning commission: any request for R, R-TH, R-MF, MH or A uses, 50% of original case fee; any request for O, I, or C uses, no fee. (2) Deferral of 40 or fewer days for rezoning, substantial accord, conditional use, conditional use planned development or special exception: any request for R, R-TH, R-MF, MH or A uses, \$500; any request for O, I, or C uses, \$230. Deferral of 40 or fewer days for modification to development standards, variance, appeal decisions to the board of zoning appeals or planning commission consideration of site or schematic plans: any request for R, R-TH, R-MF, MH or A uses, \$250; any request for O, I, or C uses, \$230. (3) Deferrals of more than 40 days for rezoning, substantial accord, conditional use, conditional use planned development or special exception: any request for R, R-TH, R-MF, MH or A uses, \$250; any request for O, I, or C uses, \$130. Deferrals of more than 40 days for modification to development standards, variance, appeal decisions to the board of zoning appeals or planning commission consideration of site or schematic plans: any request R, R-TH, R-MF, MH or A uses, \$150; any request O, I, or C uses, \$130.
- (f) Enterprise zone fee exemptions: For any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia, no application fee shall be required for the following actions, provided the director of planning determines that the request is in compliance with the comprehensive plan: amend a condition of zoning; conditional use or planned development; deferral; sign permit; site plan review, resubmittal of site plan, or adjustment to an approved site plan; substantial accord determination; zoning reclassification. This exemption shall continue for the life of the enterprise zone. The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

- (g) Modifications to development standards and requirements: (1) Requests for R, R-TH, R-MF, MH or A uses, \$300. (2) Requests for O, I or C uses, \$240.
- (h) Resource protection area exceptions: (1) Exception for one lot or parcel used or intended to be used for a single family dwelling and accessory uses, \$300. (2) All other exceptions, \$1,500.
- (i) (1) Schematic plan for non-residential uses, \$1,080, plus \$50 per acre for the first 50 acres and \$20 per acre over 50 acres. (2) Amendment of approved schematic plan for non-residential uses, \$240. (3) Schematic plan for residential uses, \$1,800, plus \$70 per acre for the first 50 acres and \$40 per acre over 50 acres. (4) Amendment of approved schematic plan for residential uses, \$380.
- (j) Site plan reviews: (1) Non-residential uses: original submittal, including up to two resubmittals, \$860, plus \$60 per acre; third and subsequent resubmittals, \$290 per resubmittal; adjustment to approved site plan, \$290 per submittal or resubmittal. (2) Residential uses: original submittal, including up to two resubmittals, \$1,400, plus \$90 per acre; third and subsequent resubmittals, \$480 per submittal; adjustment to approved site plan, \$480 per submittal or resubmittal. (3) Plan transfer to electronic format, \$75. (4) Appeal of decision of director of planning relating to site plans: for non-residential uses, \$240; for residential uses, \$380.
- (k) Special exceptions: (1) Manufactured home, temporary, \$550 (new), \$250 (renewal). (2) All others, where all activity associated with the request, except for the parking of passenger vehicles, is confined to the living area of a dwelling, \$1,000. All others, where any activity associated with the request, except for the parking of passenger vehicles, is not confined to the living area of a dwelling, \$1,500. (3) Amend condition of special exception, \$600 per first two conditions, plus \$150 for each condition thereafter.
- (l) Substantial accord determinations: (1) Existing zoning R, R-TH, R-MF, MH or A classification: planning commission hearing, \$3,100; administrative determination, \$450. (2) Existing zoning O, I or C classification: planning commission hearing, \$1,540; administrative determination, \$240.
- (m) Variances: (1) Setback variance requests to the board of zoning appeals: first ordinance section or subsection varied from, \$200; each additional ordinance section or subsection varied from, \$100. (2) Variances, administrative: first ordinance section or subsection varied from, \$200; each additional ordinance section or subsection varied from, \$100. (3) Variances, all other, for any R, R-TH, R-MF, MH or A use: first ordinance section or subsection varied from, \$300; each additional ordinance section or subsection varied from, \$100. Variances, all other, for any O, I, or C use: first ordinance section or subsection varied from, \$600; each additional ordinance section or subsection varied from, \$100.
- (n) Zoning certificate, written verification of non-conforming use or written zoning interpretation, \$75.
- (o) Zoning reclassification: (1) Without conditional use planned development: rezoning to R, R-TH, R-MF, MH or A classification, \$2,800, plus \$95 per acre for the first 200 acres and \$45 per acre over 200 acres. Without conditional use planned development: rezoning to O, I, or C classification, \$1,440, plus \$50 per acre for the first 200 acres and \$20 per acre over 200 acres. (2) With conditional use planned development, rezoning for any R, R-TH, R-MF, MH or A use, \$5,100, plus \$95 per acre for the first 200 acres and \$45 per acre over 200 acres. With conditional use planned development, rezoning for any O, I, or C use, \$2,530, plus \$60 per acre for the first 200 acres and \$20 per acre over 200 acres.

The complete Ordinance, and information concerning the documentation for the proposed fee, levy or increase are available for examination by the public at the Chesterfield County Planning Department, 9901 Lori Road, Suite 203, Chesterfield, VA.



Mr. Schlaudt presented an overview of the proposed Code Amendment and staff's recommendation.

Mr. Wilson opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident, stated he did not feel the public had been properly notified of the proposed amendment; noted the only copy of the information he saw was a reduced copy on the bulletin board in the hallway outside the Planning Department; and asked that a comparison of the old versus newly proposed fees be provided.

Ms. Andrea Epps, a County resident, expressed concern regarding the amount of the proposed fee to be charged for the service and requested clarification as to whom the fee would be applied.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to citizens' concerns and questions from the Commission, Mr. Schlaudt explained that no fee is charged for staff research for routine customer questions regarding zoning or subdivision matters; however, this service was being provided in response to market demands from financial institutions and the development community which could easily require hours of staff time to provide necessary research and supply accurate written documentation for their requests.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Sections 17-11, 19-25, and 19-264 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted, and Section 19-279 be deleted, all to read as follows:

Sec. 17-11. Fees.

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing the following applications:

~~The fees for processing subdivisions by the county shall be payable upon submission of the plats to the county for tentative or final approval and shall be equal to the following:~~

(a) ~~(i)~~ Alternatives to chapter per ~~section~~ §17-8 . . . \$380.00

Plus any applicable plat review fee

(b) ~~(f)~~ Appeal of decision of director of planning . . . \$290.00

(c) ~~(h)~~ Deferral Request by applicant for to defer ~~to defer~~ Planning Commission consideration of plat, per request:

(1) 40 or fewer days . . . \$250.00

(2) More than 40 days . . . \$150.00

(d) ~~(b)~~ Final check, amended and resubdivision plat review:

- (1) Final check subdivision plat review . . . \$720.00
 (Only one base fee will be required for final check plats required to be submitted in multiple sections ~~per~~ due to provisions of section 17-42.)
 Plus, per lot . . . \$10.00
- (2) Final check resubdivision plat review . . . \$560.00
 Plus, per lot . . . \$10.00
- (3) Final check amended plat review . . . \$330.00
 Plus, per lot . . . \$10.00
- ~~(e)~~ (e) Minor subdivision plat review . . . \$330.00
- ~~(f)~~ (g) Onsite sewage disposal system soils analysis review, per lot/parcel . . . \$155.00
- ~~(g)~~ (e) Parcel line modification review, per parcel . . . \$25.00
- ~~(h)~~ (d) Residential parcel subdivision, per parcel . . . \$35.00
- ~~(i)~~ (a) Tentative subdivision approval, or resubmittal of an expired previously approved tentative:
 - (1) Original submittal, renewal of previously approved tentative plat or adjusted tentative plat for previously approved tentative plat, including up to two resubmittals . . . \$330.00
 Plus, per lot . . . \$20.00
 - (2) Renewal of previously approved tentative, including up to two resubmittals in accordance with provisions of section 17-32 . . . 330.00
 Plus, per lot . . . 20.00
 - ~~(2)~~ (3) Third and subsequent submittal for ~~(1) and (2)~~, per submittal . . . \$220.00
 - ~~(3)~~ (4) Substitute to approved tentative, per submittal . . . \$60.00
 - (5) Adjusted tentative for previously approved tentative, including up to two resubmittals . . . 330.00
 Plus, per lot . . . 20.00
 Third and subsequent submittal, per submittal . . . 220.00
- ~~(j)~~ (i) Request by applicant for engineering department to Townhouse plan transfer to electronic format such non-electronic information for townhouse projects regarding contours,

~~boundaries of impervious areas and delineation of storm sewer lines as set forth in section per §17-32(d) . . . \$75.00~~

(k) ~~Written verification of subdivision or written subdivision interpretation.... \$75.00~~

Sec. 19-25. Fees.

~~The following fees, which include the costs of hearings, advertisements and notices when required, shall be deposited simultaneously with the filing of the application:~~

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing the following applications:

(a) ~~(e)~~ Amend condition of zoning, other than condition of planned development:

(1) Per first two conditions:

a. Any request for R, R-TH, R-MF, MH or A uses . . . \$2,800.00

Each additional condition thereafter . . . \$700.00

b. Any request for O, I or C uses . . . \$1,440.00

Each additional condition thereafter . . . \$360.00

~~(2) — No applicant seeking to amend a condition of zoning for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.³~~

~~³The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.~~

(b) ~~(f)~~ Appeal to board of zoning appeals pursuant to section per §19-21 . . . \$1,200.00

(c) ~~(f)~~ Building and sign permit review:

(1) Any building permit application for a new single family dwelling or for each unit of a new two-family dwelling . . . \$25.00

(2) Sign Permits:

a. Temporary signs, as permitted by ~~article IV of the development standards manual~~ §19-631 through §19-650. . . \$60.00

b. All other signs for which building permits are required . . . \$100.00

- c. ~~No business located within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee in order to obtain a sign permit. This exemption shall continue for the life of the enterprise zone.⁴~~

⁴The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(d) ~~(b)~~ Conditional uses and manufactured home permits:

- (1) Manufactured home permits:
 - a. New . . . \$550.00
 - b. Renewal . . . \$250.00
- (2) Family day care homes:
 - a. Existing zoning R, R-TH, R-MF, MH or A classification . . . \$250.00
 - b. Existing zoning O, I, or C classification . . . \$230.00
- (3) Planned development:
 - a. Without zoning reclassification:
 - (i) Any request for R, R-TH, R-MF, MH or A uses . . . \$4,500.00
Plus, per acre . . . \$45.00
 - (ii) Any request for O, I, or C uses . . . \$2,260.00
Plus, per acre . . . \$10.00
 - b. With zoning reclassification:
 - (i) Rezoning for any R, R-TH, R-MF, MH or A use . . . \$5,100.00
Plus, per acre for the first 200 acres . . . \$95.00
Plus, per acre over 200 acres . . . \$45.00
 - (ii) Rezoning for any O, I, or C use . . . \$2,530.00
Plus, per acre for the first 200 acres . . . \$60.00
Plus, per acre over 200 acres . . . \$20.00
 - c. Amend condition of planned development to include a condition of a textual statement, per first two conditions:

- (i) Any request for R, R-TH, R-MF, MH or A uses . . . \$2,800.00
Each additional condition thereafter . . . \$700.00
 - (ii) Any request for O, I, or C uses . . . \$1,440.00
Each additional condition thereafter . . . \$360.00
- (4) All others:
 - a. Any request for R, R-TH, R-MF, MH or A uses . . . \$2,200.00
Plus, per acre . . . \$95.00
 - b. Any request for O, I or C uses . . . \$1,130.00
Plus, per acre . . . \$30.00
- ~~(5) No applicant for a conditional use or planned development for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.²~~

²The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(e) ~~(n)~~ Deferral/remand requests by the applicant, per request:

- (1) Remand request to planning commission:
 - a. Any request for R, R-TH, R-MF, MH or A uses . . . 50 percent of original case fee
 - b. Any request for O, I, or C uses . . . No fee
- (2) Deferral of 40 or fewer days:
 - a. Rezoning, substantial accord, conditional use, ~~CUPD~~ conditional use planned development or special exception:
 - i. Any request for R, R-TH, R-MF, MH or A uses . . . \$500.00
 - ii. Any request for O, I, or C uses . . . \$230.00
 - b. Modification to development standards, variance ~~or~~, appeal decisions to the ~~BZA~~ board of zoning appeals or planning commission consideration of site or schematic plans:

- i. Any request for R, R-TH, R-MF, MH or A uses . . . \$250.00
 - ii. Any request for O, I, or C uses . . . \$230.00
- (3) Deferrals of more than 40 days:
 - a. Rezoning, substantial accord, conditional use, ~~CUPD~~ conditional use planned development or special exception:
 - i. Any request for R, R-TH, R-MF, MH or A uses . . . \$250.00
 - ii. Any request for O, I, or C uses . . . \$130.00
 - b. Modification to development standards, variance ~~or~~, appeal decisions to the ~~BZA~~ board of zoning appeals or planning commission consideration of site or schematic plans:
 - i. Any request R, R-TH, R-MF, MH or A uses . . . \$150.00
 - ii. Any request O, I, or C uses . . . \$130.00

~~No applicant requesting a deferral shall be required to pay a fee for the deferral if he was not charged a fee for his application. This exemption shall continue for the life of the enterprise zone.⁶~~

~~⁶The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.~~

(f) Enterprise zone fee exemptions:

- (1) For any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia, no application fee shall be required for the following actions, provided the director of planning determines that the request is in compliance with the comprehensive plan:
 - a. Amend a condition of zoning
 - b. Conditional use or planned development
 - c. Deferral
 - d. Sign permit
 - e. Site plan review, resubmittal of site plan, or adjustment to an approved site plan
 - f. Substantial accord determination
 - g. Zoning reclassification

This exemption shall continue for the life of the enterprise zone. The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(g) (4) Modifications to development standards and requirements:

- (1) Any request for R, R-TH, R-MF, MH or A uses . . . \$300.00
- (2) Any request for O, I or C uses . . . \$240.00

(h) (m) Resource protection area exceptions Application to Board of Supervisors for RPA
exception per §19-235(b)(2).:

- (1) Exception for one lot or parcel used or intended to be used for a single family dwelling and accessory uses. . . \$300
- (2) All other exceptions. . . \$1,500

(i) (1) Schematic plan for non-residential uses . . . \$1,080.00

Plus, per acre for the first 50 acres . . . \$50.00

Plus, per acre over 50 acres . . . \$20.00

- (2) Amendment of approved schematic plan for non-residential uses . . . \$240.00

- (3) Schematic plan for residential uses . . . \$1,800.00

Plus, per acre for the first 50 acres . . . \$70.00

Plus, per acre over 50 acres . . . \$40.00

- (4) Amendment of approved schematic plan for residential uses . . . \$380.00

(j) Site plan reviews:

(1) Non-residential uses:

a. Original submittal for non-residential uses, including up to two resubmittals . . . \$860.00

Plus, per acre . . . \$60.00

b. Third and subsequent resubmittals for non-residential uses, per resubmittal . . . \$290.00

c. Adjustment to approved site plan for non-residential uses, per submittal or resubmittal . . . \$290.00

(2) Residential uses:

a. Original submittal for residential uses, including up to two resubmittals . . .
\$1,400.00

Plus, per acre . . . \$90.00

b. Third and subsequent resubmittals for residential uses, per submittal . . .
\$480.00

c. Adjustment to approved site plan for residential uses, per submittal or
resubmittal . . . \$480.00

(3) Plan transfer to electronic format per §19-264(f) . . . \$75.00

(4) Appeal of decision of director of planning relating to site plans

(1) For non-residential uses...\$240.00

(2) For residential uses...\$380.00

(k) (d) Special exceptions:

(1) Manufactured home, temporary:

a. New . . . \$550.00

b. Renewal . . . \$250.00

(2) All others:

a. Where all activity associated with the request, except for the parking of
passenger vehicles, is confined to the living area of a dwelling . . .
\$1,000.00

b. Where any activity associated with the request, except for the parking of
passenger vehicles, is not confined to the living area of a dwelling . . .
\$1,500.00

(3) (e) Amend condition of special exception:

a. ~~(1)~~ Per first two conditions . . . \$600.00

b. ~~(2)~~ Each condition thereafter . . . \$150.00

(l) (k) Substantial accord determinations:

(1) Existing zoning R, R-TH, R-MF, MH or A classification:

- a. Planning commission hearing . . . \$3,100.00
- b. Administrative determination . . . \$450.00
- (2) Existing zoning O, I or C classification:
 - a. Planning commission hearing . . . \$1,540.00
 - b. Administrative determination . . . \$240.00

~~No applicant for substantial accord determination for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.⁵~~

⁵The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(m) ~~(f)~~ Variances; ~~setback, request to BZA~~

- (1) Setback variance requests to the board of zoning appeals:
 - a. ~~(1)~~ First ordinance section or subsection varied from . . . \$200.00
 - b. ~~(2)~~ Each additional ordinance section or subsection varied from . . . \$100.00
- (2) ~~(g)~~ Variances, administrative:
 - a. ~~(1)~~ First ordinance section or subsection varied from . . . \$200.00
 - b. ~~(2)~~ Each additional ordinance section or subsection varied from . . . \$100.00
- (3) ~~(h)~~ Variances, all other:
 - a. ~~(1)~~ For any R, R-TH, R-MF, MH or A use:
 - (i) ~~(a)~~ First ordinance section or subsection varied from . . . \$300.00
 - (ii) ~~(b)~~ Each additional ordinance section or subsection varied from . . . \$100.00
 - b. ~~(2)~~ For any O, I, or C use:
 - (i) ~~(a)~~ First ordinance section or subsection varied from . . . \$600.00
 - (ii) ~~(b)~~ Each additional ordinance section or subsection varied from . . . \$100.00

(n) Zoning certificate, written verification of non-conforming use or written zoning interpretation.... \$75.00

(o) (a) Zoning reclassification:

(1) Without conditional use planned development:

a. Rezoning to R, R-TH, R-MF, MH or A classification . . . \$2,800.00

Plus, per acre for the first 200 acres . . . \$95.00

Plus, per acre over 200 acres . . . \$45.00

b. Rezoning to O, I, or C classification . . . \$1,440.00

Plus, per acre for the first 200 acres . . . \$50.00

Plus, per acre over 200 acres . . . \$20.00

(2) With conditional use planned development:

a. Rezoning for any R, R-TH, R-MF, MH or A use. . . \$5,100.00

Plus, per acre for the first 200 acres . . . \$95.00

Plus, per acre over 200 acres . . . \$45.00

b. Rezoning for any O, I, or C use. . . \$2,530.00

Plus, per acre for the first 200 acres . . . \$60.00

Plus, per acre over 200 acres . . . \$20.00

~~(3) No applicant for a zoning reclassification for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the Enterprise Zone.¹~~

~~¹The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.~~

Sec. 19-264. Preparation and submission of site plans.

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(f) After site plan approval other than minor site plan and improvement sketches and prior to the issuance of a land disturbance permit, the property owner or his agent shall deliver to the director of environmental engineering in electronic format such

as DXF for AutoCADD, or other electronic format acceptable to the director, the following information: (i) proposed contours for the approved site plan, (ii) boundaries of all impervious areas for the approved site plan and (iii) delineation of storm sewer lines and associated structures for the approved site plan. In lieu of the foregoing, the property owner or his agent may submit the required information in a non-electronic format upon payment to the environmental engineering department of the fee stated in § ~~19-279~~ 19-25 to reimburse the county's costs of transferring the information to the required electronic format.

DIVISION 4. FEES

~~Sec. 19-279. Fees.~~

~~In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing as follows:~~

~~(a) Site plan:~~

~~(1) Original submittal for non-residential uses, including up to two resubmittals . . . \$860.00~~

~~Plus, per acre . . . 60.00~~

~~(2) Third and subsequent resubmittals for non-residential uses, per resubmittal . . . 290.00~~

~~(3) Adjustment to approved site plan for non-residential uses, per submittal or resubmittal . . . 290.00~~

~~(4) No business located within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay any of the fees described in subsections (a)(1) through (a)(3) above. This exemption shall continue for the life of the enterprise zone.¹~~

~~¹The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.~~

~~(5) Original submittal for residential uses, including up to two resubmittals . . . 1,400.00~~

~~Plus, per acre . . . 90.00~~

~~(6) Third and subsequent resubmittals for residential uses, per submittal . . . 480.00~~

~~(7) Adjustment to approved site plan for residential uses, per submittal or resubmittal . . . 480.00~~

~~(b) (1) Schematic plan for non-residential uses . . . 1,080.00~~

- Plus, per acre for the first 50 acres . . . 50.00
- Plus, per acre over 50 acres . . . 20.00
- (2) — Amendment of approved schematic plan for non-residential uses . . . 240.00
- (3) — Schematic plan for residential uses . . . 1,800.00
- Plus, per acre for the first 50 acres . . . 70.00
- Plus, per acre over 50 acres . . . 40.00
- (4) — Amendment of approved schematic plan for residential uses . . . 380.00
- (c) — Appeal of decision of director of planning
 - (1) — For non residential uses . . . 240.00
 - (2) — For residential uses . . . 380.00
- (d) — Request by applicant to defer planning commission consideration of plan, per request:
 - (1) — For non residential uses:
 - a. — 40 or fewer days . . . 230.00
 - b. — More than 40 days . . . 130.00
 - (2) — For residential uses:
 - a. — 40 or fewer days . . . 250.00
 - b. — More than 40 days . . . 150.00
- (e) — Request by applicant for environmental engineering department to transfer to electronic format such non-electronic information regarding contours, boundaries of impervious areas and delineation of storm sewer lines as set forth in § 19-264 . . . \$75.00

Secs. 19-279 280--19-300. Reserved.

(2) *That this ordinance become effective immediately upon adoption. (1900:71077.1)*

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

06SN0225: In Bermuda Magisterial District, **TORSTEN PETERSON TRUSTEE** requested rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-

3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 4.3 acres fronting approximately 320 feet on the north line of Bermuda Hundred Road approximately 510 feet east of Kingston Avenue. Tax IDs 820-652-1338 and 2728.

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the Consolidated Eastern Area Plan; the Plan suggested the request property, located at the Route 10/I-295 Interchange, should be reserved for industrial and other employment generating uses to optimize economic development opportunities; and the proposed Community Business (C-3) uses were not limited to those uses which are supportive of, accessory to, and incorporated into the design of the surrounding industrial developments.

Mr. Torsten Peterson, the trustee representing the request, stated the development and marketing trends in the area reflected increasing commercial use demands and asked the Commission to consider a favorable recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley expressed concern that approval of the request for commercial uses would further deplete the County's available industrial properties.

Mr. Wilson stated he envisioned the commercial use would be accessory to, and support, existing and future industrial uses.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 06SN0225 and acceptance of the following proffered condition:

PROFFERED CONDITION

The public water system shall be used. (U)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0119:* (Amended) In Bermuda Magisterial District, **DSRA, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies on 4.1 acres fronting approximately 390 feet on the south line of West Hundred Road, also fronting approximately 900 feet on the west line of Interstate 95 ramp and located in the southwest quadrant of the intersection of these roads. Tax IDs 800-653-Part of 4668 and 800-654-2833, 4223 and Part of 2613 and Part of 5211 (Sheet 26).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting that the application failed to restrict any additional vehicular movements from the site to West Hundred Road, thereby creating health, safety and welfare concerns related to transportation impacts; Proffered Condition 5 contained enforcement interpretation and legal issues; indicated that on March 21, 2006, in response to concerns expressed by the Bermuda District Commissioner, Proffered Condition 4 was amended to restrict

uses to two (2) restaurants, not to include carry out or fast food; and Proffered Condition 5, which attempted to condition the accessibility of the adjacent property to the south and contained enforcement interpretation and legal issues, was withdrawn.

Mr. Dean Hawkins, the applicant's representative, did not accept staff's recommendation and outlined the applicant's planned use and access for the property, noting access other than to Route 10 was not financially feasible for his client.

Mr. Wilson opened the discussion for public comment.

Messrs. Mukesh Trivedi, Roger Habeck, Michael Sweeny, James Drake, Oliver Rudy and Michael Woolsey, area property/business owners, voiced opposition to the request, citing concerns relative to access, additional traffic congestion, existing crossover problems and the health, safety and welfare concerns related to transportation impacts that would be generated by the development.

Mr. Roger Patel, an area property/business owner, supported the request, noting he felt the applicant's plan would be beneficial to, and improve, the area.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from the Commission, Mr. McCracken addressed transportation issues, noting staff did not support any development on the property that would access (entering or exiting) Route 10, even through the adjacent site and the Virginia Department of Transportation (VDOT) concurred with staff's position. He further noted that all traffic generated by development of the property should be distributed to the Weir Road/Route 1 intersection; no public road improvements in this part of the county were currently included in the Six-Year Improvement Plan; drivers using the crossovers along this section of Route 10 already experienced long delays, especially during peak hours; crossover spacing in this particular section of Route 10 was limited and traffic movements created an undesirable situation; adding traffic from new development would only make the condition worse and could increase the number of accidents; and without a commitment that all traffic generated by the proposed development would be distributed to Route 1 at the Weir Road intersection, and not to Route 10, the Transportation Department could not support the request.

Mr. Wilson stated he was sensitive to the transportation challenges on Route 10, particularly in this area; however, he felt, given the history of other requests in the area, approval of two (2) sit-down restaurant uses was an improvement versus development of one (1) fast-food restaurant use, which would be permitted on that part of the property already zoned, and would ultimately reduce the risks. He stated he recognized the rights of property owners to develop their property and did not feel the request should be denied.

Mr. Wilson made a motion to recommend approval of Case 06SN0119 and acceptance of the proffered conditions.

His motion was seconded by Mr. Litton.

Mr. Gulley stated he wanted to be fair to area businesses; however, the area traffic situation was not good. He stated approval of the request would impact businesses on both sides of Route 10 and he would like to see the applicant provide a Master Plan encompassing the entire area, not just the subject property.

In response to questions from Mr. Gecker, Ms. Peterson stated both the General Business (C-5) and Community Business (C-3) classifications permitted fast-food restaurant uses.

In response to questions from the Commission, Mr. Hawkins stated he was agreeable to proffering a condition to preclude a connection from the subject property to the southern Agricultural (A) parcel.

The vote on Mr. Wilson's motion was as follows:

AYES: Messrs. Wilson and Litton.
~~ABSENT~~ **NAYS:** Messrs. Gecker, Gulley and Bass.

Therefore, the motion failed.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 06SN0119.

AYES: Messrs. Gecker, Gulley and Bass.
NAYS: Messrs. Wilson and Litton.

05SR0171:** (Amended) In Matoaca Magisterial District, **TIMOTHY J. HAULER** requested renewal of Conditional Use (Case 03AN0226) for a bed and breakfast and a special events business operated incidental to a dwelling unit on 14.5 acres, plus Conditional Use to operate a special events business on an adjacent 6.1 acre parcel with alcohol sales on the entire 20.6 acres and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 20.6 acres fronting approximately 550 feet on the north line of Woodpecker Road and in two (2) places totaling approximately 700 feet on the west line of John Winston Jones Parkway and located in the northwest quadrant of the intersection of these roads. Tax IDs 781-626-8240, 782-625-Part of 1888, 782-626-Part of 4544, 782-627-Part of 1927 and 782-627-Part of 6898.

Mr. Clay presented an overview of the request and staff's recommendation, noting the Board of Supervisors, at their September 21, 2005, meeting remanded the request to the Planning Commission for further consideration.

Mr. Richard Hairfield, the applicant's representative, accepted staff's recommendation, provided a brief history of the request and noted his client was in compliance with all requirements.

Mr. Wilson opened the discussion for public comment.

Ms. Edie Bleattler and Mr. Randolph Reeks, area property owners, voiced opposition to, and asked the Commission to deny, the request based on the intensity, the inappropriateness and the noise disruption caused by the use.

Ms. Brenda Stewart, a County resident, read a prepared statement expressing concerns that the applicant had been operating a business on an expired permit for nearly six months, using land not zoned for the business and serving alcohol without first obtaining the required Conditional Use permit. She further outlined a chronology of dates/events relative to various permits which she believed to be incomplete and/or invalid and asked the Commission to consider terminating the applicant's Conditional Use permit.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to the validity of the Commission acting on the request more than once, noting that the Commission had previously made a recommendation on the application to the Board of Supervisors. He questioned how the same application could be sent back to the Planning Commission for reconsideration.

Ms. Sandra Cristman, security provider for the applicant, stated music and noise levels, as well as other activities and parking lots, at Dellwood were monitored as her employer was very concerned with the welfare of his guests and neighbors. She disputed loud noise levels of the music and police dispatched calls to the site.

Ms. Marlene Durfee, a County resident, expressed concerns relative to the seriousness of serving alcohol in proximity to schools, which she felt should not be allowed; non-compliance and inconsistencies of the uses; and ongoing violations.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Hairfield addressed previously stated concerns, noting the applicant had done everything asked of him, was in compliance with all regulations and requirements and had attempted to deal fairly with any and all inspectors visiting the site.

There was discussion relative to private functions occurring on the property and alcoholic beverages being served by independent, private vendors; banquet licenses; and other issues of concern.

Mr. Bass stated this case had been particularly controversial; however, he felt the most of the issues of concern had been addressed and that he was prepared to make a recommendation for approval.

Mr. Bass made a motion to recommend approval of renewal of Conditional Use (Case 03AN0226) to operate a bed and breakfast and special events business incidental to a dwelling unit on 14.5 acres for Case 05SR0171, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Timothy J. or Patricia Hauler or their immediate family, exclusively, for a period not to exceed eighteen (18) months from the date of approval. (P)
2. There shall be no additions or exterior alterations to the existing structures to accommodate this use. (P)

3. The special events business shall not be open to the public on Sunday through Tuesday, except during nationally recognized holidays, during which time the use may be open to the public as early as two (2) days before and as late as two (2) days after such holiday. On days the special events business is open to the public, the hours open to the public shall be restricted to between 9:00 a. m. and 11:00 p. m. (P)
4. Special events shall be limited to the following:
 - a. Corporate retreats
 - b. Church retreats
 - c. Weddings (including rehearsal dinners and bridal luncheons)
 - d. Receptions (P)
5. Attendance at special events shall be restricted to a maximum of 250 individuals at any one (1) function. (P)
6. A minimum of one (1) security officer for each one hundred (100) persons shall be provided at all special events to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event. (P)
7. These uses shall be designed and operated so as not to generate noise levels above 50 dBa, as measured at the boundaries of Tax Ids 780-625-272; 790-625-5356; 780-625-7340; 780-625-32729023; 781-624-3595; 781-624-6083; 781-625-1011 and 782-625-4259. (P)
8. Within thirty (30) days of the approval of this request, the applicants shall submit a plan for a physical barrier to be provided surrounding the Conditional Use area to preclude patrons of the business from entering upon property which is not the subject of this Conditional Use to the Planning Department for review and approval. This plan shall be subject to the requirements for processing per site plan review relative to notification of adjacents, posting and appeals. Such barrier shall be installed within sixty (60) days of the approval of the plan. (P)

Ms. McGee stated, in her opinion, Mr. Bass' motion was not appropriate in that the motion should encompass the entire request, not be made separately.

Ms. Rogers noted, for clarification, Planning staff was of the opinion that the application encompassed three (3) separate requests and, therefore, the "Request Analysis" was structured to address each component of the request.

Mr. Bass rescinded his motion and made a substitute motion to defer Case 05SR0171 to the June 20, 2006, Planning Commission public hearing.

Mr. Litton stated he preferred to forward the request to the Board encompassing the total acreage and concurred with a motion to defer.

Mr. Gulley seconded Mr. Bass' motion, noting he understood Mr. Bass' concern that the request be in the appropriate posture prior to being forwarded to the Board of Supervisors

The vote on Mr. Bass' motion was as follows:

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

At approximately 11:00 p. m., in accordance with the Commission's By-Laws, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the Commission suspended their By-Laws to allow consideration of the remaining case on the agenda.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

The Commission recessed at 11:01 p. m.

The Commission reconvened at 11:08 p. m.

05SR0330:* In Matoaca Magisterial District, **JAMES F. THACKER** requested a Conditional Use and Conditional Use Planned Development and amendment of zoning district map to permit a bed and breakfast and special events business incidental to a dwelling unit and to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 42.4 acres and is known as 4701 and 4801 Woolridge Road. Tax IDs 720-681-Part of 0327 and 720-682-0474 and 3924 (Sheets 9 and 15).

Ms. Peterson presented an overview of the request and staff's recommendation, noting that an Addendum had been prepared which included amendments to, and new, proffered conditions. She stated, should the Commission wish to approve the request, acceptance of the proffered conditions outlined in the "Request Analysis" and amended Proffered Condition 10 would be appropriate; however, staff would not recommend acceptance of Proffered Conditions 11, 12 and 13 since enforcement would be difficult, if not impossible.

Mr. Andy Scherzer, the applicant's representative, addressed the revised/newly submitted proffered conditions, noting the applicant was a long-time County resident, had attempted to be a good neighbor to the community and a good steward to the environment; had addressed concerns relative to intensity, noise, expansion of the use, duration of the use; had limited the number of activities weekly as well as the number of individuals attending events; and asked a favorable recommendation be forwarded to the Board of Supervisors.

Mr. Wilson opened the discussion for public comment.

Ms. Abrielle Tayler-Levine, Ms. Marty Mitchell, Mr. Tony Giordano, Mr. Glenn Pletcher, Mr. David Young, Mr. Michael Jessee, Mr. Martin Rust, Mr. Jim Zuphol, Mr. Sam Edwards, Mr. Michael Kelly and Ms. Marlene Durfee, area residents, voiced support for the request for a limited period of time with consideration for renewal at the end of that timeframe but again cited their concerns relative to noise, hours of operation, the lack of limitation on the size and number of special events, periodic reviews/renewals of the application, and access being allowed to police and/or planning inspectors to review noise levels and determine compliance.

Ms. Laura Newill, Mr. Chris Latora, Mr. Brent Smith and Mr. Steve Zackon, area residents, opposed approval of the request citing concerns relative to noise, hours of operation, the lack of limitation on the size and number of special events, periodic reviews/renewals of the application, limiting the use to three (3) year approvals, enforcement of compliance with regulations and requirements and access being allowed to police and/or planning inspectors to review noise levels.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Scherzer introduced Mr. David Poindexter and Mr. Gary Erlich who summarized/explained the analysis of, and recommendations for, the sound equipment and noise control devices for Celebrations

In rebuttal, Mr. Scherzer addressed citizens' comments, reiterated his previous remarks, noted the applicant had offered solutions to the problems and indicated the use was a viable business asset to the community and the County.

Mr. Gulley expressed concerns relative to there being no absolute method of measuring the noise levels at the destination source; the limitation of the hours of operations, duration of the business and number of persons in attendance at the events; and how compliance could be ensured.

Mr. Litton stated he felt the applicant had adequately addressed the issues and neighbors concerns.

Mr. Gecker stated he was pleased with the manner in which the applicant and area residents has worked to resolve issues and concerns.

Mr. Bass stated he felt the applicant had complied with the requirements and made the effort to be a good neighbor to the community; that he had been impressed with the sound tests; and he felt a recommendation for approval was appropriate.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of the Conditional Use for Case 05SR0330, subject to the following conditions:

1. This Conditional Use shall be granted to and for James F. or Paulanne H. Thacker or their immediate family, exclusively, for a period not to exceed three (3) years from the date of approval. (P)
2. This Conditional Use shall be limited to the operation of a Special Events business and a Bed and Breakfast. (P)
3. The plan prepared by Balzer and Associates, P.C., revised October 31, 2005 and titled "Celebrations at the Reservoir Affected Area Plan" shall be considered the Master Plan. Other than normal maintenance and cosmetic enhancements, there shall be no exterior additions or alterations to the improvements on this Plan, nor any new construction, to accommodate this use. This is in no way intended to restrict Celebrations periodic use of tentage with flooring, concourse and marquee as noted within the event areas and parking areas of the Master Plan. (P)

4. One sign, a maximum of sixteen (16) square feet in area, shall be permitted to identify both the Special Events business and Bed and Breakfast. (P)
5. Any freestanding lighting shall not exceed twenty (20) feet in height. (P)
6. The days and hours that the Special Events business shall be open to the public shall be as follows:
 - a. Monday and Tuesday, closed, except for 1) nationally recognized holidays which may be open from 9:00 a.m. to 11:00 p.m., and 2) New Year's Eve as noted in 6.e.
 - b. Wednesday and Thursday, from 10:00 a.m. to 11:00 p.m., with any music or live entertainment ending at 10:00 p.m.
 - c. Friday and Saturday, from 10:00 a.m. to 12:00 a.m., with any music or live entertainment ending at 11:00 p.m.
 - d. Sunday, from 12:30 p.m. to 10:00 p.m., with any music or live entertainment ending at 9:00 p.m.
 - e. New Year's Eve, from 12:30 p.m. to 2:00 a.m., with any music or live entertainment ending at 1:00 a.m.
7. At no time shall more than two hundred eighty three (283) passenger vehicles be on the premises during Special Events. (P)
8. Within sixty (60) days from the date the Board of Supervisors approves the Conditional Use request, forty-five (45) feet of right-of-way along the East side of Woolridge Road, measured from the centerline of that part of Woolridge Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)
9. Direct vehicular access from the property to Woolridge Road shall be limited to two (2) entrances/exits, as generally shown on the plan prepared by Balzer and Associates Inc., titled "Celebrations at the Reservoir Affected Area Plan" with a latest revision date of October 31, 2005. Any modification to these access locations shall be approved by the Transportation Department. (T)
10. The bed and breakfast and special events uses shall be designed and operated so as not to generate noise levels above 50dB(a), as measured at the boundaries of the Brandermill Communities and the Highberry Woods, Clipper Cove, Rock Harbour, Red Fern Station, Kingspoint, and Waterviews at the Reservoir Subdivisions; and Tax IDs 717-681-6767; 717-682-6832; 718-681-3676; 718-680-1818; 718-682-9783; 718-685-8949; 719-685-4753; 726-683-2083; and 720-681-0327. (P)

11. All entertainment for special events shall be limited to recorded music, disk jockey and live musicians limited to soloists or group performances with 5 persons or less without the use of amplification. This proffer shall apply subsequent to November 1, 2007. (P)
12. In the event that Tax ID 720-681-0327 is rezoned and subdivided to permit a residential subdivision the operations of a special events business shall no longer be permitted. (P)
13. A maximum of five (5) special events per week shall be permitted. Attendance at special events shall be restricted to a maximum of 250 individuals at any one (1) function. (P)

Ayes: Messrs. Wilson, Gecker, Litton and Bass.

Nay: Mr. Gulley.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Conditional Use Planned Development to permit exceptions to the paving of parking and driveways and driveway widths for Case 05SR0330, subject to the following condition.

CONDITION

All "gravel" parking areas and drives as shown on the Master Plan shall have a minimum surface of six (6) inches of No. 21 or 21A stone. (P)

Ayes: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

F. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

No one came forward to speak on unscheduled matters at this time.

G. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Litton, that the meeting adjourned at approximately 1:15 a. m., Wednesday, April 19, 2006, to May 16, 2006, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Chairman/Date

Secretary/Date